

SENATE BILL 2676

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, to create the "Tennessee Animal Abuser Registration, Tracking and Verification Act of 2008".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 39, is amended by adding the following as a new part 4:

Section 40-39-401.

This part shall be known and may be cited as the "Tennessee Animal Abuser Registration, Verification, and Tracking Act of 2008".

Section 40-39-402.

The general assembly finds and declares that:

(a) Studies in psychology, sociology and criminology have demonstrated that violent offenders frequently have childhood and adolescent histories of serious and repeated animal cruelty;

(b) The Federal Bureau of Investigation has recognized this connection since the 1970's, when its analysis of the lives of serial killers suggested that most had killed or tortured animals during their life;

(c) Other research has shown consistent patterns of animal cruelty among perpetrators of more common forms of violence, including child abuse, spouse abuse, and elder abuse, leading the American Psychiatric Association to consider animal cruelty as one of the diagnostic criteria of conduct disorder;

(d) It is a compelling and necessary public interest that the public have information concerning persons convicted of severe animal abuse offenses

collected pursuant to this part, to allow members of the public to adequately protect themselves and their animals from these persons;

(e) Persons convicted of these offenses involving cruelty and violence have a reduced expectation of privacy because of the public's interest in public safety;

(f) In balancing the abuser's due process and other rights against the interests of public security, the general assembly finds that releasing information about certain animal abusers under the circumstances specified in this part will further the primary governmental interest of protecting vulnerable populations from potential harm;

(g) The registration of abusers, utilizing complete and accurate information, along with the public release of specified information concerning abusers, will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems that deal with these abusers;

(h) To protect the safety and general welfare of the people of this state, it is necessary to provide for continued registration of abusers and for the public release of specified information regarding abusers. This policy of authorizing the release of necessary and relevant information about abusers to members of the general public is a means of assuring public protection and shall not be construed as punitive;

(i) The abuser is subject to specified terms and conditions that are implemented at sentencing, or, at the time of release from incarceration, that require that those who are financially able must pay specified administrative costs to the appropriate registering agency, which shall retain these costs for the

administration of this part and shall be reserved for the purposes authorized by this part at the end of each fiscal year; and

(j) The general assembly also declares, however, that in making information about certain abusers available to the public, the general assembly does not intend that the information be used to inflict retribution or additional punishment on those abusers.

#### Section 40-39-403.

As used in this part, unless the context otherwise requires:

(1) "AAR" means the TBI's centralized record system of animal abuser registration, verification, and tracking information;

(2) "Animal abuser" or "abuser" means a person who has been convicted in this state of committing an animal abuse offense as defined in subdivision (3); or has another qualifying conviction as defined in subdivision (5);

(3) "Animal abuse offense" means the commission of any act that constitutes the criminal offense of:

(A) Aggravated cruelty to animals, under § 39-14-212;

(B) Animal fighting, under § 39-14-203, where the defendant's act constituted a felony; and

(C) Bestiality, under § 39-14-214.

(4) "Board" means the Tennessee board of probation and parole;

(5) "Conviction" means a judgment entered by a Tennessee court upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. A conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including court-martial conducted by the armed forces of

the United States, and a conviction in any other state of the United States, other jurisdiction, or other country. A conviction for an offense committed in another jurisdiction that would be classified as an animal abuse offense under subdivision (3), if committed in this state, shall be considered a conviction for the purposes of this part. Conviction includes a disposition of pretrial diversion under § 40-15-105, a disposition of judicial diversion under § 40-35-313, or the equivalent dispositions from other jurisdictions;

(6) “Designated law enforcement agency” means any law enforcement agency that has jurisdiction over the primary or secondary residence, place of employment, school, or institution of higher education where the student is enrolled, or, for abusers on supervised probation or parole, the board or court ordered probation officer;

(7) “Employed or practices a vocation” means any full-time or part-time employment in the state, with or without compensation, or employment that involves counseling, coaching, teaching, supervising, or working with minors in any way, regardless of the period of employment, whether the employment is financially compensated, volunteered or performed for the purpose of any government or education benefit;

(8) “Institution of higher education” means a public or private:

(A) Community college;

(B) College;

(C) University; or

(D) Independent postsecondary institution;

(9) “Law enforcement agency of any institution of higher education” means any campus law enforcement arrangement authorized by § 49-7-118;

(10) "Local law enforcement agency" means:

(A) Within the territory of a municipality, the municipal police department;

(B) Within the territory of a county having a metropolitan form of government, the metropolitan police department; or

(C) Within the unincorporated territory of a county, the sheriff's office;

(11) "Minor" means any person under eighteen (18) years of age;

(12) "Primary residence" means a place where the person abides, lodges, resides, or establishes any other living accommodations in this state for five (5) consecutive days;

(13) "Registering agency" means a sheriff's office, municipal police department, metropolitan police department, campus law enforcement agency, the TDOC, a private contractor with the TDOC, or the board;

(14) "Relevant information deemed necessary to protect the public" means that information set forth in § 40-39-407(d)(1)-(10);

(15) "Resident" means any person who abides, lodges, resides, or establishes any other living accommodations in this state;

(16) "Secondary residence" means a place where the person abides, lodges, or resides, or establishes any other living accommodations in this state for a period of fourteen (14) or more days in the aggregate during any calendar year, and that is not the person's primary residence; for a person whose primary residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for a period of fourteen (14) or more days in the aggregate during any calendar year; or a place where the person routinely

abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and that is not the person's primary residence, including any out-of-state address;

(17) "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher learning;

(18) "TBI" means the Tennessee bureau of investigation;

(19) "TBI registration form" means the Tennessee animal abuser registration, verification, and tracking form;

(20) "TDOC" means the Tennessee department of correction;

(21) "TIES" means the Tennessee information enforcement system;

(22) "Within forty-eight (48) hours" means a continuous forty-eight-hour period, not including Saturdays, Sundays, or federal or state holidays.

#### Section 40-39-404.

(a)

(1) Within forty-eight (48) hours of establishing or changing a primary or secondary residence, establishing a physical presence at a particular location, or becoming employed or practicing a vocation or becoming a student in this state, the abuser shall register in person, as required by the provisions of this part.

Likewise, within forty-eight (48) hours of release on probation or any other alternative to incarceration, excluding parole, the abuser shall register in person, as required by the provisions of this part.

(2) An abuser who resides and is registered in this state who intends to move out of this state shall, within forty-eight (48) hours after moving to another state or within forty-eight (48) hours of becoming reasonably certain of the

intention to move to another state, report to the abuser's designated law enforcement agency the address at which the abuser will reside in the new jurisdiction.

(b)

(1) An abuser who is incarcerated in this state in a local, state, or federal jail, or a private penal institution shall, within forty-eight (48) hours prior to the abuser's release, register in person, completing and signing a TBI registration form, under the penalty of perjury, pursuant to § 39-16-702(b)(3), as follows:

(A) If incarcerated in a state, federal, or private penal facility, with the warden or the warden's designee; or

(B) If incarcerated in a local jail, with the sheriff or the sheriff's designee.

(2) After registering with the incarcerating facility as provided in subdivision (b)(1), an abuser who is incarcerated in this state in a local, state, or federal jail, or a private penal institution shall, within forty-eight (48) hours after the abuser's release from the incarcerating institution, report in person to the abuser's registering agency, unless the place of incarceration is also the person's registering agency.

(c) An abuser from another state, jurisdiction, or country who has established a primary or secondary residence within this state, or has established a physical presence at a particular location, shall, within forty-eight (48) hours of establishing residency or a physical presence, register in person with the designated law enforcement agency, completing and signing a TBI registration form, under the penalty of perjury, pursuant to § 39-16-702(b)(3).

(d) An abuser from another state, jurisdiction, or country, who is not a resident of this state, shall, within forty-eight (48) hours of employment, commencing practice of a vocation or becoming a student in this state, register in person, completing and signing a TBI registration form, under the penalty of perjury, pursuant to § 39-16-702(b)(3), with:

(1) The sheriff in the county or the chief of police in the municipality within this state where the abuser is employed or practices a vocation; or

(2) The law enforcement agency of any institution of higher education, or if not applicable, the designated law enforcement agency with jurisdiction over the campus, if the abuser is employed or practices a vocation or is a student.

(e) An abuser from another state, jurisdiction, or country, who becomes a resident of this state, pursuant to the interstate compact provisions of title 40, chapter 28, part 4, shall, within forty-eight (48) hours of entering the state, register in person with the board, completing and signing a TBI registration form, under the penalty of perjury, pursuant to § 39-16-702(b)(3), in addition to the requirements of title 40, chapter 28, part 4, and the animal abuser directives from the board.

(f) Abusers who do not maintain either a primary or secondary residence, as defined in this part, shall be considered homeless, and are subject to the registration requirements of this part.

(g) Abusers who reside in nursing homes and assisted living facilities, and abusers committed to mental health institutions or continuously confined to home or health care facilities due to mental or physical disabilities, are exempt from this requirement, as otherwise provided by this part.

(h) An abuser who indicates to a designated law enforcement agency on the TBI registration form the abuser's intent to reside in another state, jurisdiction, or country, and who then decides to remain in this state, shall, within forty-eight (48) hours of the



decision to remain in the state, report in person to the designated law enforcement agency and update all information pursuant to subsection (i).

(i) TBI registration forms shall require the registrant's signature and disclosure of the following information, under the penalty of perjury, pursuant to § 39-16-702(b)(3):

(1) Complete name and all aliases;

(2) Date and place of birth;

(3) Social security number;

(4) State of issuance and identification number of any valid driver license or licenses, or if no valid driver license card is held, any state or federal government issued identification card;

(5) For an abuser on supervised release, the name, address, and telephone number of the registrant's probation or parole officer, or other person responsible for the registrant's supervision;

(6) Animal abuse offenses for which the registrant has been convicted and the county and state of each conviction;

(7) Name of any current employers and length of employment, including physical addresses and phone numbers;

(8) Current physical address and length of residence at that address, which shall include any primary or secondary residences. For the purpose of this section, a post office box number shall not be considered an address;

(9) Mailing address, if different from physical address;

(10) Any vehicle, mobile home, trailer, or manufactured home, used or owned by an abuser, including descriptions, vehicle identification numbers, and license tag numbers;

(11) Any vessel, live-aboard vessel, or houseboat used by an abuser, including the name of the vessel, description, and all identifying numbers;

(12) Name and address of each institution of higher education in this state where the abuser is employed or practices a vocation, or is a student;

(13) Race and gender;

(14) Name, address, and phone number of abuser's closest living relative;

(15) Whether any minors reside in the primary or secondary residence; and

(16)

(A) Any other registration, verification, and tracking information, including fingerprints and a current photograph of the abuser, vehicles and vessels, as referred to in subdivisions (i)(10) and (i)(11), as may be required by rules promulgated by the TBI, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(B) The TBI shall utilize the same standardized specifications for photographing an abuser for purposes of this registry as it currently does for the photographing of a sexual offender or violent sexual offender pursuant to part 2 of this title. The TBI shall disseminate such information to all applicable law enforcement agencies, correctional institutions and any other agency that may be called upon to register an abuser

(j) No later than the third day after an abuser's initial registration, the registration agency shall send by the United States postal service the original signed TBI registration form containing information required by subsection (i) to TBI headquarters in Nashville.

(k) The abuser's signature on the TBI registration form creates the presumption that the abuser has knowledge of the registration, verification, and tracking requirements of this part.

(l)

(1) Any animal abuser registering for the first time pursuant to this part shall, at the time of initial registration, pay to the registering agency a registration fee of two hundred seventy-five dollars (\$275).

(2)

(A) If the registering agency finds that the abuser is unable to pay the registration fee at the time of registration but will be able to pay at a later time, the agency may defer such payment for a period not to exceed three (3) months or may establish an installment payment plan for the registration fee.

(B) If the registering agency finds that the abuser is unable to pay the registration fee at the time of registration and will continue to be unable to pay such fee prior to the abusers annual verification of information pursuant to § 40-39-405(b), the registering agency may waive payment of the registration fee.

(3) The registering agency shall retain twenty-five dollars (\$25.00) of the registration fee for the sole purpose of defraying the costs of administering this part. The registering agency shall transmit the remainder of the registration fee to the TBI to be used solely to defray the costs of implementing and administering this part.

Section 40-39-405.

(a) The TBI shall maintain and make available a connection to the AAR, for all criminal justice agencies with TIES internet capabilities, by which registering agencies shall enter original, current and accurate data required by this part. The TBI shall provide viewing and limited write access directly to the AAR through the TIES internet to registering agencies for the entry of record verification data, changes of residence, employment, or other pertinent data required by this part, and to assist in abuser identification. Registering agencies should immediately, but in no case to exceed twelve (12) hours from registration, enter all data received from the abuser as required by the TBI and § 40-39-404(i), into the TIES internet for the enforcement of this part by TBI, designated law enforcement agencies, TDOC, private contractors with TDOC, and the board.

(b) Once a year, all abusers shall report in person, no earlier than seven (7) calendar days before and no later than seven (7) calendar days after the abuser's date of birth, to the designated law enforcement agency to update the abuser's fingerprints, palm prints and photograph, as determined necessary by the agency, to verify the continued accuracy of the information in the TBI registration form, and to pay the specified administrative costs, not to exceed one hundred dollars (\$100), which shall be retained by the designated law enforcement agency to be used for the purchase of equipment, to defray personnel and maintenance costs, and any other expenses incurred as a result of the implementation of this part. Abusers who reside in nursing homes and assisted living facilities, and abusers committed to mental health institutions or continuously confined to home or health care facilities due to mental or physical disabilities, are exempt from the in-person reporting and fingerprinting and administrative cost, as otherwise provided by this part.

(c) Within three (3) days after the abuser's verification, the designated law enforcement agency with whom the abuser verified shall send by United States postal service the original signed TBI registration form containing information required by § 40-39-404(i) to TBI headquarters in Nashville. The TBI shall be the state central repository for all original TBI registration forms and any other forms required by § 40-39-408 that are deemed necessary for the enforcement of this part. The designated law enforcement agency shall retain a duplicate copy of the TBI registration form as a part of the business records for that agency.

(d) If a person required to register under this part is reincarcerated for another offense or as the result of having violated the terms of probation, parole, conditional discharge, or any other form of alternative sentencing, the abuser shall immediately report the abuser's status as a animal abuser to the facility where the abuser is incarcerated or detained, and notify the abuser's appropriate registering agency, if different, that the abuser is currently being detained or incarcerated. Registration, verification and tracking requirements for such persons are tolled during the subsequent incarceration. Within forty-eight (48) hours of the release from any subsequent reincarcerations, the abuser shall register with the appropriate designated law enforcement agency. Likewise, if a person who is required to register under this part is deported from this country, the registration, verification and tracking requirements for such persons are tolled during the period of deportation. Within forty-eight (48) hours of the return to this state after deportation, the abuser shall register with the appropriate designated law enforcement agency.

(e) Abusers who reside in nursing homes and assisted living facilities, and abusers committed to mental health institutions or continuously confined to home or health care facilities due to mental or physical disabilities, shall be exempted from the in-

person reporting, fingerprinting, and administrative cost requirements. However, it shall be the responsibility of the abuser, the abuser's guardian, the person holding the abuser's power of attorney, or in the absence thereof, the administrator of the facility, to report any changes in the residential status to TBI headquarters in Nashville by United States postal service.

(f) Abusers who do not maintain either a primary or secondary residence, as defined in this part, shall be considered homeless, and are subject to the reporting requirements of this part. By the authority established in § 40-39-407(e), the TBI shall develop tracking procedures for the continued verification and tracking of these abusers in the interest of public safety.

Section 40-39-406.

(a) TBI registration forms shall be designed, printed, and distributed by and at the expense of the TBI. These forms shall include instructions for compliance with this part and a statement of understanding and acknowledgment of those instructions to be signed by the abuser. TBI registration forms shall be available from registering agencies, parole officers, probation officers, and other public officers and employees assigned responsibility for the supervised release of convicted felons into the community.

(b) It shall be the duty of the abuser's designated registering agency, its representatives and designees, including any district attorney general's criminal investigator, to verify the accuracy and completeness of all information contained in the abuser's AAR.

(c) The officer or employee responsible for supervising an abuser who has been released on probation, parole, or any other alternative to incarceration shall:

(1) Promptly obtain the abuser's signed statement acknowledging that the named officer or employee has:

(A) Fully explained, and the abuser understands, the registration, verification, and tracking requirements and sanctions of this part and the current animal abuser directives established by the board;

(B) Provided the abuser with a blank TBI registration form and assisted the abuser in completing the form; and

(C) Obtained fingerprints, palm prints and photographs of the abuser, and vehicles and vessels, as determined necessary by the agency;

(2) Immediately, but in no case to exceed twelve (12) hours from registration, enter all data received from the abuser, as required by the TBI and § 40-39-404(i), into the TIES internet. The officer or employee shall, within three (3) days, send by United States postal service the signed and completed TBI registration form to TBI headquarters in Nashville. The photographs of the abuser, vehicles and vessels, and the fingerprints should also be sent by United States postal service within three (3) days, if not electronically submitted to TBI headquarters in Nashville. The registering agency shall retain a duplicate copy of the TBI registration form as a part of the business records for that agency.

(d) Not more than forty-eight (48) hours prior to the release of an abuser from incarceration, with or without supervision, the warden of the correctional facility or the warden's designee, or sheriff of the jail or the sheriff's designee, shall obtain the abuser's signed statement acknowledging that the official has fully explained, and the abuser understands, the registration, verification, and tracking requirements, and sanctions of this part. If the abuser is to be released with or without any type of supervision, the warden of the correctional facility or the warden's designee, or sheriff of the jail or the sheriff's designee, shall assist the abuser in completing a TBI registration form. The

warden or the warden's designee, or the sheriff or the sheriff's designee, shall also obtain fingerprints, palm prints and photographs of the abuser, vehicles and vessels, as determined necessary by the agency. The official shall send by United States postal service the signed and completed TBI registration form to TBI headquarters in Nashville within three (3) days of the release of the abuser. The photographs of the abuser, vehicles and vessels, and the fingerprints should also be sent by United States postal service within three (3) days, if not electronically submitted to TBI headquarters in Nashville.

(e) If the abuser is placed on unsupervised probation, the court shall fully explain to the abuser, on the court record, the registration, verification, and tracking requirements, and sanctions of this part. The court shall then order the abuser to report within forty-eight (48) hours, in person, to the appropriate registering agency to register as required by the provisions of this part.

(f) Through press releases, public service announcements, or through other appropriate public information activities, the TBI shall attempt to ensure that all abusers, including those who move into this state, are informed and periodically reminded of the registration, verification, and tracking requirements, and sanctions of this part.

Section 40-39-407.

(a) Using information received or collected pursuant to this part, the TBI shall establish, maintain, and update a centralized record system of abuser registration, verification, and tracking information. The TBI may receive information from any credible source and may forward the information to the appropriate law enforcement agency for investigation and verification. The TBI shall promptly report current animal abuser registration, verification, and tracking information to the identification division of the federal bureau of investigation.



(b) Whenever there is a factual basis to believe that an abuser has not complied with the provisions of this part, pursuant to the powers enumerated in subsection (f), the TBI shall make the information available through the AAR to the district attorney general, designated law enforcement agencies, and the probation officer, parole officer, or other public officer or employee assigned responsibility for the abuser's supervised release.

(c) Notwithstanding the provisions of any law to the contrary, officers and employees of the TBI, local law enforcement, law enforcement agencies of institutions of higher education, courts, probation and parole, the district attorneys general and their employees, and other public officers and employees assigned responsibility for abusers' supervised release into the community shall be immune from liability relative to their good faith actions, omissions, and conduct pursuant to this part.

(d) For all animal abuse offenses covered by this part, the information concerning a registered abuser set out in subdivisions (1)-(10) of this subsection shall be considered public information. In addition to making the information available in the same manner as public records, the TBI shall prepare and place the information on the state's Internet homepage. The TBI shall also establish and operate a toll-free telephone number to permit members of the public to call and inquire as to whether a named individual is listed among those who have registered as abusers as required by this part.

The following information concerning a registered abuser is public:

- (1) The abuser's complete name, as well as any aliases;
- (2) The abuser's date of birth;
- (3) The animal abuse offense or offenses of which the abuser has been convicted;
- (4) The primary and secondary addresses, including the house number, county, city, and ZIP code in which the abuser resides;

- (5) The abuser's race and gender;
- (6) The date of last verification of information by the abuser;
- (7) The most recent photograph of the abuser that has been submitted to the TBI AAR;
- (8) The abuser's driver license number and issuing state, or any state or federal issued identification number;
- (9) The abuser's parole or probation officer; and
- (10) The name and address of any institution of higher education in the state at which the abuser is employed, carries on a vocation or is a student.

(e) The TBI has the authority to promulgate any necessary rules to implement and administer the provisions of this section. These rules shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

Section 40-39-408.

(a) No sooner than ten (10) years after termination of active supervision on probation, parole, or any other alternative to incarceration, or no sooner than ten (10) years after discharge from incarceration without supervision, an abuser required to register under this part may file a request for termination of registration requirements with TBI headquarters in Nashville.

(b) Upon receipt of the request for termination, the TBI shall review documentation provided by the abuser and contained in the abuser's file and the AAR, to determine whether the abuser has complied with the provisions of this part. In addition, the TBI shall conduct fingerprint-based state and federal criminal history checks, to determine whether the abuser has been convicted of any additional animal abuse offenses, as defined in § 40-39-403(3).

(c) If it is determined that the abuser has not been convicted of any additional animal abuse offenses during the ten-year period, and that the abuser has substantially complied with the provisions of this part, the TBI shall remove the abuser's name from the AAR and notify the abuser that the abuser is no longer required to comply with the provisions of this part.

(d) If it is determined that the abuser has been convicted of any additional animal abuse offenses during the ten-year period or has not substantially complied with the provisions of this part, the TBI shall not remove the abuser's name from the AAR and shall notify the abuser that the abuser has not been relieved of the provisions of this part.

(e) Immediately upon the failure of an abuser to register or otherwise substantially comply with the requirements established by this part, the running of the abuser's ten-year reporting period shall be tolled, notwithstanding the absence or presence of any warrant or indictment alleging a violation of this part.

(f) An abuser whose request for termination of registration requirements is denied by a TBI official may petition the chancery court of Davidson County or the chancery court of the county where the abuser resides, if the county is in Tennessee, for review of the decision. The review shall be on the record used by the TBI official to deny the request. The TBI official who denied the request for termination of registration requirements may submit an affidavit to the court detailing the reasons the request was denied.

(g)

(1) Notwithstanding the provisions of this section, an abuser required to register under this part shall continue to comply with the registration, verification,

and tracking requirements for the life of that abuser, if that abuser has one (1) or more prior convictions for an animal abuse offense, as defined in § 40-39-403(3).

(2) As used in subdivision (g)(1), prior conviction means any conviction for an animal abuse offense, as defined in § 40-39-403(3), that occurred prior to the date of the offense for which the abuser is currently required to register.

#### Section 40-39-409.

(a) It is an offense for an abuser to knowingly violate any provision of this part.

Violations shall include, but not be limited to, the following:

- (1) Failure of an abuser to timely register;
- (2) Falsification of a TBI registration form;
- (3) Failure to timely disclose required information to the designated law enforcement agency;
- (4) Failure to sign a TBI registration form;
- (5) Failure to pay the initial registration fee or the annual administrative costs, if financially able;
- (6) Failure to timely disclose status as an animal abuser to the designated law enforcement agency upon reincarceration;
- (7) Failure to timely report to the designated law enforcement agency upon release after reincarceration;
- (8) Failure to timely report to the designated law enforcement agency following re-entry in this state after deportation; and
- (9) Failure to timely report to the abuser's designated law enforcement agency when the abuser moves to another state.

(b) A violation of this part is a Class E felony punishable by fine only. All fines collected for violations of this part shall be earmarked for the TBI and used exclusively by the TBI to defray its costs of implementing and administering this chapter.

(c) A violation of this part is a continuing offense. If an abuser is required to register pursuant to this part, venue lies in any county in which the abuser may be found or in any county where the violation occurred.

(d) In a prosecution for a violation of this section, upon the request of a district attorney general, law enforcement agency, the board of probation and parole, or its officers, or a court of competent jurisdiction, and for any lawful purpose permitted by this part, the records custodian of AAR shall provide the requesting agency with certified copies of specified records being maintained in the registry.

(e) The records custodian providing copies of records to a requesting agency, pursuant to subsection (g), shall attach the following certification:

I, \_\_\_\_\_, HAVING BEEN APPOINTED BY THE DIRECTOR OF THE  
TENNESSEE BUREAU OF INVESTIGATION AS THE CUSTODIAN OF THE  
BUREAU'S CENTRALIZED RECORDS SYSTEM OF ANIMAL ABUSERS  
REGISTRATION, VERIFICATION AND TRACKING INFORMATION (AAR),  
HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE  
RECORDS MAINTAINED WITHIN SAID REGISTRY.

SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_

AFFIX THE BUREAU SEAL HERE

Section 40-39-410.

Except as otherwise provided in § 40-39-408(a)-(d), no record shall be removed from the AAR, unless ordered by a court of competent jurisdiction.

Section 40-39-411.

Upon receipt of notice of the death of a registered abuser, the TBI shall remove all data pertaining to the deceased abuser from the AAR.

SECTION 2. For purposes of the TBI implementing the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, including registration of animal abusers, it shall take effect October 1, 2008.